

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DAVID R. PETE,

Plaintiff,

v.

ROBERT C. DUNN, et al.,

Defendants.

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CIVIL ACTION NO. 1:21-CV-0546

**ORDER OVERRULING PLAINTIFF’S OBJECTIONS AND
ADOPTING THE REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This Court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, for consideration. On May 11, 2022, Magistrate Judge Stetson issued a Report and Recommendation in which she recommended that the Defendants’ Motion to Dismiss on all claims be granted in its entirety with prejudice. Plaintiff filed Objections to Defendants’ Amended Motion to Dismiss which the Court construes as objections to the Magistrate Judge’s Report and Recommendation.

I. Standard

A party who files timely written objections to a magistrate judge’s report and recommendation is entitled to a *de novo* determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b); FED. R. CIV. P. 72(b). “Parties filing objections must specially identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court.” *Nettles v. Wainwright*, 677 F.2d

404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1412 (5th Cir. 1996) (en banc).

II. Discussion

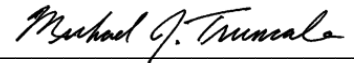
Plaintiff Pete submitted 13 pages of what appears to be the Magistrate Judge's Report and Recommendation with inserts of his own objections and disagreements scattered throughout, which this Court is liberally construing as his Objections to the Report and Recommendation. Plaintiff filed his Objections in a timely manner. However, he failed to set forth any alleged errors in the Magistrate Judge's findings, opting instead to object to Defendants' previous arguments. Further, Plaintiff fails to provide any reasoning, legal or factual, that support his disagreements. *See* 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b)(2); E.D. TEX. CIV. R. CV-72(c). Pete's objections are both nonsensical and meritless. The Court overrules Plaintiff's Objections because they present no new argument or evidence suggesting that the Magistrate Judge's findings and conclusions of law are erroneous.

III. Conclusion and Order

The Court has conducted a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the Court concludes that Pete's Objections are without merit. The Magistrate Judge properly found that Plaintiff's claims should be dismissed as frivolous and for failure to state a claim upon which relief may be granted, and that this Court should not exercise supplemental jurisdiction over any pendent state law claims.

Accordingly, the Court ADOPTS the Magistrate Judge's Report and Recommendation and OVERRULES the Plaintiff's objections. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED this 3rd day of June, 2022.

A handwritten signature in black ink, reading "Michael J. Truncala", is written above a horizontal line.

Michael J. Truncala
United States District Judge